

UNITED STATES DISTRICT COURT  
DISTRICT OF MASSACHUSETTS

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JALBERT LEASING, INC. )

d/b/a C&J Trailways )

BONANZA ACQUISITION, LLC; )

CONCORD COACH LINES, INC. )

d/b/a Concord Trailways; and )

DARTMOUTH TRANSPORTATION )  
COMPANY, INC. )

d/b/a Dartmouth MiniCoach, )

Civil Action No. 04-10486 (RCL)

Plaintiffs, )

v. )

MASSACHUSETTS PORT AUTHORITY, )

Defendant. )

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**DECLARATION OF LESLIE A. KIRWAN**

I, Leslie A. Kirwan, pursuant to 28 U.S.C. § 1746, do hereby declare as follows:

1. My name is Leslie A. Kirwan. I am Director of Administration and Finance and Secretary-Treasurer for the Massachusetts Port Authority ("Massport"). In this capacity I oversee Massport's financial activities and responsibilities, including budgeting for capital, operating and administrative costs and establishment of various user fees and charges for use of the facilities at Boston Logan International Airport ("Logan").

2. As a prerequisite to conducting scheduled commercial bus transportation services to or from Logan, Massport requires intrastate and interstate motor carriers to enter into standard agreements with Massport that define the terms and conditions of access to Logan.

3. These standard operating agreements acknowledge that Massport will provide motor carriers with certain benefits such as designated pick-up and drop-off areas and will, from time to time, engage in construction, repair or other activities related to the management and operation of Logan, its roadways, parking areas, long-term holding lots and terminal curbs.

4. These agreements also stipulate that motor carriers must pay Massport a per trip fee. The fee is not calculated based on the number of passengers transported per trip, the sale of passenger tickets or the gross receipts received from any transportation. The fee applies to intrastate and interstate carriers. Effective April 4, 2004, Massport raised this fee for buses from \$1.50 to \$4.50 per trip for both interstate and intrastate motor carriers.

5. This fee is imposed in exchange for providing motor carriers with access to and use of Logan and serves to partially defray administrative, maintenance, construction and capital costs associated with the Logan facilities used by these carriers.

I declare under penalty of perjury that the foregoing is true.

Executed this 30<sup>th</sup> day of April, 2004  
in Boston, Massachusetts

A handwritten signature in cursive script, reading "Leslie A. Kirwan", is written over a horizontal line.

Leslie A. Kirwan